

U.S.A. vs Roberto Hernandez-Garcia No. 07cr 3290-JAH

The Court finds excludable delay, under the section indicated by check (✓),

commenced on 12-13-07 and ended on 1-8-08

- 3161(h)
(1) (A) Exam or hrg for mental or physical incapacity
(1) (B) NARA examination (28:2902)
(1) (D) State or Federal trials or other charges pending
(1) (E) Interlocutory appeals
(1) (F) Pretrial motions (from flg to hrg or other prompt dispo)
(1) (G) Transfers from other district (per FRCrP 20, 21 & 40)
(1) (J) Proceedings under advisement not to exceed thirty days
Misc proc: Parole or prob rev, deportation, extradition
(1) (H) Transportation from another district or to/from examination or hospitalization in ten days or less
X (1) (I) Consideration by Court of proposed plea agreement
(2) Prosecution deferred by mutual agreement
(3) (A) (B) Unavailability of defendant or essential witness
(4) Period of mental or physical incompetence of defendant to stand trial
(5) Period of NARA commitment or treatment
(6) Superseding indictment and/or new charges
(7) Defendant awaiting trial of co-defendant when no severance has been granted
(8) (A) (B) Continuances granted per (h) (8)-use "T" alone if more than one of the reasons below are given in support of continuance
(8) (B) (I) 1) Failure to grant a continuance in the proceeding would result in a miscarriage of justice and the ends of justice outweigh the best interest of the public and the defendant in a speedy trial. (Continuance - miscarriage of justice)
X 2) Failure to grant a continuance of the trial would result in a miscarriage of justice as the defendant has tendered a guilty plea to a magistrate judge and is awaiting a determination as to whether the plea will be accepted. (Continuance - tendered a guilty plea)
(8) (B) (ii) 2) Case unusual or complex
(8) (B) (iii) 3) Indictment following arrest cannot be filed in thirty (30) days
(8) (B) (iv) 4) Continuance granted in order to obtain or substitute counsel, or give reasonable time to prepare (Continuance re counsel)
3161(I) Time up to withdrawal of guilty plea
3161(b) Grand jury indictment time extended thirty (30) more days

Date 12/13/07

NCS
Judge's Initials

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